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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,144	03/29/2004	Emmanuel Cyrille Pascal Briend	674525-2011	3079

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EXAMINER

WANG, CHANG YU

ART UNIT PAPER NUMBER

1649

DATE MAILED: 07/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10812144			

EXAMINER

Chang-Yu Wang

ART UNIT	PAPER
1649	07122006

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

Election/Restrictions

The reply filed on May 11, 2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

In the previous Office Action of the requirement of election/restriction, Applicant was requested to elect a species of the effect of modulator selected from A) up-regulates/enhancer or B) down-regulates/inhibitor as recited in claims 9, 11, 13, 14, 22, 23, 25, 26, 28, 29, 31, 32, 34, 35, 40, 47, 48, 51, 52, 58, 59, 60, 61 and 69, and a species for polypeptide selected from A) Notch ligands, B) Noggin, C) Chordin, D) Follistatin, E) Xnr3, F) FGF, G) Toll-like receptor, H) cytokine, I) BMP, J) BMP receptor, or K) activin recited in claims 13 and 14. However, the species election in response to the restriction requirement filed on May 11, 2006 was internally inconsistent. Applicant specifically elected the species of down-regulator but then specifically elected a species of up-regulator in claim 13.

During a telephone conversation with Dr. Anne-Marie C. Yvon on 07/05/06, the Attorney/Applicant was informed about this internal conflict regarding species election and was requested to clarify this issue. The attorney had agreed to consult the Applicant to clarify the species election. However, during a phone conversation with the Attorney on 7/12/06, the Attorney expressed that she had difficulty to contact the Applicant in United Kingdom. Thus, no response has been received.

Applicant is advised that a response to this request and species election requirement to be complete must include an election of the species as it reads on each species election being consistent as recited in the claims. In order to be fully responsive, Applicant is required to elect a single species from a modulator or effect of modulator and a species of polypeptide corresponding to the elected species of modulator as set forth above to which the claims will be restricted, even though the requirement is traversed. The subject matter for examination will be restricted to the extent of the subject matter of the elected groups and species.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry of a general nature or relating to the status of this general application should be directed to the Group receptionist whose telephone number is (571) 272-1600.

Papers relating to this application may be submitted to Technology Center 1600, Group 1649 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). Should applicant wish to FAX a response, the current FAX number for Group 1600 is (571) 273-8300.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chang-Yu Wang, Ph.D. whose telephone number is (571) 272-4521. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:30 AM to 6:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres, Ph.D., can be reached at (571) 272-0867.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CYW
July 12, 2006


JANET L. ANDRES
SUPERVISORY PATENT EXAMINER